

*****Adopted***
AMENDMENT No. 1 PROPOSED TO**

Senate Bill NO. 3251

By Representative(s) Committee

5 Amend by striking all after the enacting clause and inserting
6 in lieu thereof the following:

7

8 SECTION 1. The following sum, or so much thereof as may be
9 necessary, is hereby appropriated out of any money in the State
10 Treasury to the credit of the Office of the Secretary of State,
11 for the purpose of defraying the expenses incurred by said office
12 for the fiscal year beginning July 1, 2000, and ending June 30,
13 2001.....\$ 8,338,358.00.

14 SECTION 2. Of the funds appropriated under the provisions of
15 Section 1, not more than the amounts set forth below shall be
16 expended for the respective major objects or purposes of
17 expenditure:

18 MAJOR OBJECTS OF EXPENDITURE:

19 Personal Services:

| | | |
|----|--|-------------------|
| 20 | Salaries, Wages and Fringe Benefits...\$ | 4,136,951.00 |
| 21 | Travel and Subsistence..... | 81,600.00 |
| 22 | Contractual Services..... | 3,084,562.00 |
| 23 | Commodities..... | 689,745.00 |
| 24 | Capital Outlay: | |
| 25 | Other Than Equipment..... | 0.00 |
| 26 | Equipment..... | 144,500.00 |
| 27 | Subsidies, Loans and Grants..... | <u>201,000.00</u> |

28 Total.....\$ 8,338,358.00

29 AUTHORIZED POSITIONS:

| | | | |
|----|---------------|----------------|----|
| 30 | Permanent: | Full Time..... | 71 |
| 31 | | Part Time..... | 0 |
| 32 | Time-Limited: | Full Time..... | 19 |
| 33 | | Part Time..... | 0 |

34 With the funds herein appropriated, it is the intention of
35 the Legislature that it shall be the agency's responsibility to
36 make certain that funds required to be appropriated for "Personal
37 Services" for Fiscal Year 2002 do not exceed Fiscal Year 2001
38 funds appropriated for that purpose, unless programs or positions
39 are added to the agency's Fiscal Year 2002 budget by the
40 Mississippi Legislature. Based on data provided by the
41 Legislative Budget Office, the State Personnel Board shall
42 determine and publish the projected annual cost to fully fund all
43 appropriated positions in compliance with the provisions of this
44 act. It shall be the responsibility of the agency head to insure
45 that no single personnel action increases this projected annual
46 cost and/or the Fiscal Year 2001 appropriation for "Personal
47 Services" when annualized. If, at the end of any calendar month,
48 the State Personnel Board determines that the agency has taken
49 action(s) which would cause the agency to exceed this projected
50 annual cost or the Fiscal Year 2001 "Personal Services"
51 appropriated level, when annualized, then only those actions which
52 reduce the projected annual cost and/or the appropriation
53 requirement will be processed by the State Personnel Board until
54 such time as the requirements of this provision are met.

55 Any transfers or escalations shall be made in accordance with
56 the terms, conditions, and procedures established by law.

57 No general funds authorized to be expended herein shall be
58 used to replace federal funds and/or other special funds which are
59 being used for salaries authorized under the provisions of this
60 act and which are withdrawn and no longer available.

61 SECTION 3. None of the funds appropriated by this act shall
62 be expended for any purpose that is not actually required or

63necessary for performing any of the powers or duties of the Office
64of the Secretary of State that are authorized by the Mississippi
65Constitution of 1890, state or federal law, or rules or
66regulations that implement state or federal law.

67 SECTION 4. No part of the funds appropriated herein shall be
68used either directly or indirectly, for the purpose of paying any
69clerk, stenographer, assistant, deputy, or other person who may be
70related by blood or marriage within the third degree, computed by
71the rules of the civil law, to the official employing or having
72the right of employment or selection thereof; and in the event of
73any such payment, then the official or person approving and making
74or receiving such payment shall be jointly and severally liable to
75return to the State of Mississippi and to pay into the State
76Treasury three (3) times any such amount so paid or received, to
77be recovered at suit of the Attorney General; provided that when
78the relationship is by affinity and the person through whom the
79relationship was established is dead, this provision shall not
80apply.

81 SECTION 5. It is the intention of the Legislature that the
82Secretary of State shall have the authority to accept proceeds and
83revenues from fines, awards, or settlements produced by
84administrative or court actions involving the enforcement of the
85Mississippi Securities Act and the Regulation of Charitable
86Solicitations Act. Such funds are to be escalated in accordance
87with procedures for federal fund escalations as established in
88Section 27-104-21, Mississippi Code of 1972, and expended for the
89purposes of enforcement of the Mississippi Securities Act and the
90regulation of the Charitable Solicitations Act in accordance with
91applicable rules and regulations of the State Fiscal Officer. It
92is the intention of the Legislature that the funds deposited to
93the Securities Enforcement Act and Regulation of Charitable
94Solicitations Act Fund be maintained separate and apart from other
95special funds derived from fees charged by the Secretary of State
96and shall remain in that fund to be used by the Secretary of State
97as authorized herein.

98 SECTION 6. It is the intention of the Legislature that the
99 Secretary of State shall have the authority to accept proceeds and
100 revenues from the sale of tax forfeited properties in accordance
101 with Section 29-1-95. These funds shall be deposited into a
102 Special Fund in the State Treasury called the Land Records
103 Maintenance Fund. Such funds are to be escalated in accordance
104 with procedures for federal fund escalations as established in
105 Section 27-104-21, Mississippi Code of 1972, and expended for the
106 purposes of preserving state land records and disposition of tax
107 forfeited properties in accordance with applicable rules and
108 regulations of the State Fiscal Officer. It is the intention of
109 the Legislature that the funds deposited to the Land Records
110 Maintenance Fund be maintained separate and apart from other
111 Special Funds derived from fees charged by the Secretary of State
112 and shall remain in that fund to be used by the Secretary of State
113 as authorized herein.

114 SECTION 7. It is the intention of the Legislature that the
115 Secretary of State shall have the authority to accept proceeds and
116 revenues from the lease rentals of tidelands and submerged lands
117 in accordance with Section 29-1-107, Mississippi Code of 1972.
118 These funds shall be deposited into a special fund in the State
119 Treasury called the Public Trust Tidelands Fund. Such funds are
120 to be escalated in accordance with procedures for federal fund
121 escalations as established in Section 27-104-21, Mississippi Code
122 of 1972, and expended for the purposes of managing the state
123 tidelands and submerged lands in accordance with applicable rules
124 and regulations of the State Fiscal Officer. It is the intention
125 of the Legislature that the funds deposited to the Public Trust
126 Tidelands Fund be maintained separate and apart from other special
127 funds derived from fees charged by the Secretary of State and
128 shall be used by the Secretary of State as authorized herein.

129 SECTION 8. The money herein appropriated shall be paid by
130 the State Treasurer out of any money in the State Treasury to the
131 credit of the proper fund or funds as set forth in this act, upon
132 warrants issued by the State Fiscal Officer; and the State Fiscal

133Officer shall issue his warrants upon requisitions signed by the
134proper person, officer or officers, in the manner provided by law.

135 SECTION 9 This act shall take effect and be in force from
136and after July 1, 2000.